

**ORDINANCE NO. 2771**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA TO AMEND CHAPTER 13.28 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO CHANGE THE TITLE FROM WASTEWATER COLLECTION AND TREATMENT TO REGULATION OF INDUSTRIAL USERS; INDUSTRIAL PRETREATMENT PROGRAM, AND TO INCORPORATE CHANGES TO COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS UNDER THE CLEAN WATER ACT (33 U.S.C. 1251 ET SEQ.), THE GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION (40 CFR PART 403), AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.**

**THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA, DOES ORDAIN:**

**SECTION 1:** Chapter 13.28 of Title 13 of the North Las Vegas Municipal Code (NLVMC) shall be deleted in its entirety and replaced by the following:

**13.28.01 - Applicability, Objectives and Responsibility of the City.**

**A. Applicability**

This Chapter sets forth uniform requirements for all Industrial Users that discharge or have the potential to discharge into the Publicly-Owned Treatment Works (POTW) and enables the City of North Las Vegas to comply with all applicable State laws and federal laws under the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR Part 403).

**B. Objectives.**

The objectives of this chapter are to:

1. Prevent the introduction of pollutants into the POTW which will interfere with the operation of the system or contaminate the resulting sludge;
2. Prevent the introduction of pollutants into the POTW which will pass through the wastewater facilities, inadequately treated, into the receiving waters or the atmosphere, or otherwise be incompatible with the system;
3. Provide for and promote the general health, safety and welfare of both the general public and the POTW personnel who may be affected by wastewater and sludge in the course of their employment;
4. Improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
5. Provide for fees, charges and assessments for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
6. Enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws or regulations to which the POTW is subject.

**C. Industrial Users.**

No industrial user shall discharge non-domestic wastewater to the POTW unless done so in compliance with the provisions of this Chapter.

**D. Industrial Users Discharging to the Clark County Waste Reclamation District or another Municipality**

This Chapter applies to all industrial users that discharge to the City's collection systems and the industrial user discharge reaches the Clark County Wastewater Reclamation District POTW or any other treatment works not owned by the City.

**E. Owner/Tenant Responsibility**

Where an owner of property leases a premises to a person as a tenant under any rental or lease agreement, if either the owner or the tenant is an Industrial User at the premises, either or both are responsible for compliance with the provisions of this Chapter.

**F. Authority of Director.**

Except as otherwise provided, the Director shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel.

**G. Notification to Industrial Users.**

The Director shall attempt to notify in writing any Industrial User whom the City has reason to believe is subject to a National Categorical Pretreatment Standard or Requirement, or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) or 405 of the Act, or under the provisions of sections 3001, 3004, or 4004 of the Solid Waste Disposal Act. Failure of the City to so notify industrial users shall not relieve said industrial users from the responsibility of complying with applicable requirements. It is the responsibility of Significant Industrial Users to apply for and receive a permit prior to discharge, whether or not the Industrial User has been identified and formally requested to do so.

**H. Discharge by Industrial Users.**

If wastewaters containing any pollutant, including excess flow, or as otherwise defined in this Chapter, are discharged, have the potential to discharge in the opinion of the Director or proposed to be discharged to the POTW, the Director may take any action necessary to:

1. Prohibit the discharge of such wastewater;
2. Require an Industrial User to demonstrate that in-plant facility modifications will reduce or eliminate the discharge of such substances in conformity with this Chapter;
3. Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the potential for a discharge to violate this Chapter;
4. Require the Industrial User making, causing or allowing the discharge to pay any additional cost or expense incurred by the City for handling, treating, disposing or remediation as a result of wastes discharged to the wastewater treatment system;
5. Require the Industrial User to apply for and obtain a permit, including a zero discharge permit
6. Require timely and factual reports from the Industrial User; or
7. Take such other action as may be necessary to meet the objectives of this Chapter.

## 13.28.02 – Definitions and Abbreviations.

### A. Definitions

In addition to definitions in Section 13.24.010, the following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to except where the context clearly indicates a different meaning:

1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
2. "Approval Authority" means the Regional Administrator of EPA Region 9 or, upon authorization of the Pretreatment Program to the State of Nevada, the Administrator of the Nevada Division of Environmental Protection.
3. "Authorized Representative" or "Duly Authorized Representative of the Industrial User" means:
  - a. If the Industrial User is a corporation:
    - 1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
    - 2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Industrial Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - c. If the user is a federal, state, or local government facility: A District or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
  - d. The individuals described in paragraphs a through c, above, may designate another authorized representative if the authorization is made in writing, the authorization specifies the individual or a position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
4. "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the General and Specific Prohibitions listed in 13.28.04 of this Chapter. BMPs may also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or

drainage from raw material storage. BMPs shall be considered local limits and Pretreatment Standards for the purposes of this Chapter and Section 307(d) of the Act as specified at 40 CFR Section 403.5(c)(4).

5. "Biochemical Oxygen Demand – five day" or "BOD<sub>5</sub>" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees (20°) Celsius, expressed in milligrams per liter (mg/L) using methods approved under 40 CFR Part 136.
6. "Bypass" is the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility and shall provide notifications to the City as required pursuant to 40 CFR Section 403.17 and 13.28.36, C.
7. "Categorical Industrial User" means an industrial user who is subject to a Categorical Pretreatment Standard.
8. "Categorical Pretreatment Standard" or "Categorical Standard" refers to any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. §1317) as amended, which apply to a specific category of industrial users and that appear in 40 CFR chapter I, subchapter N, Parts 405-471.
9. "Class I Industrial User" means a "Significant Industrial User" as defined at 13.28.02, A.50.
10. "Class II Industrial User" is an Industrial User that is not a Class I Industrial User and where the City has used its discretion to permit or otherwise control as specified in 13.28.10, D.
11. "Composite sample" is a representative flow-proportioned sample generally collected within a twenty-four (24) hour period and combined according to flow. Time-proportional sampling may be approved or used by the City where time-proportional samples are believed representative of the discharge.
12. "Cooling water" means:
  - A. Contact: Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product.
  - B. Noncontact: Water used for cooling purposes which does not comes in contact with any raw material, intermediate product, waste product or finished product and the only pollutant added is heat.
13. "Daily Maximum Discharge Limit" is the maximum allowable concentration of a pollutant(s) that may be discharged during a twenty-four (24) hour period or as specified in an Industrial Wastewater Discharge Permit. Where daily maximum limitations are expressed in units of mass, the discharge is the total mass discharged over the sampling period.
14. "Direct discharge" means the discharge of pollutants to waters of the United States.
15. "Director" means the Director of Utilities who is designated by the City to supervise the operation of the Publicly Owned Treatment Works and who is charged with certain duties and responsibilities under this Chapter, or their duly authorized representative.

16. "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of such agency.
17. "Existing source" means any Indirect Discharge that is not a New Source.
18. "Fats, Oil and Grease" or "FOG" means non-petroleum organic polar compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using the approved method for Hexane Extractable Materials in the analytical procedures established in 40 CFR Part 136.
19. "Grab sample" means a sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
20. "Gravity Grease Interceptor" or "GGI" is an in-ground tank containing at least one baffle in which solids, greases and oils are separated from wastewater, located outside the Industrial User's building and made accessible by at least two manhole covers.
21. "Grease trap" or "Hydromechanical Grease Interceptor" or "HMG" is a small device hooked directly to the outgoing drains of sinks located inside a commercial food preparation facility that allows for the separation of fats, oils and grease of a non-petroleum nature from wastewater prior to being discharged into the POTW.
22. "Hazardous Waste" is any waste designated as hazardous under the provisions of 40 CFR Part 261.
23. "Holding tank waste" means any waste from a holding tank, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.
24. "Indirect Discharge" means the discharge or the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. 1317), including holding tank waste from a non-domestic user discharged into the POTW.
25. "Industrial User" means a source of Indirect Discharge, a user that has the potential to discharge non-domestic wastewater to the POTW or an industrial user that has a sewer connection for domestic wastewater discharge only.
26. "Industrial" or "non-domestic" wastes means the liquid or solid wastes from industrial manufacturing processes, trade or business activities producing non-domestic or non-residential sewage as distinct from domestic wastewater.
27. "Industrial Wastewater Discharge Permit" means and shall refer to a permit issued by the City to an Industrial User that allows, limits and/or prohibits the discharge of pollutants or flow to the POTW as set forth in this Chapter.
28. "Infiltration" means the water which enters the sewer lines from the ground, usually through pipe and manhole joints.
29. "Inflow" means the water discharged into the wastewater system from such sources as but not limited to roof leaders, cellar, yard, and area drains; foundation drains; drains from springs, manhole covers; cross-connections from storm sewers and combined sewers, surface runoff, etc.

30. "Instantaneous Discharge Limit" means the maximum or minimum concentration or measurement for a pollutant or pollutant property allowed to be discharged at any time for any length of time and is determined by use of a grab sample or a direct measurement.
31. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both
- a. Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and
  - b. Therefore is a cause of a violation of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
32. "Local Limits" are any regulation containing pollution discharge limits promulgated by the City in accordance with 40 CFR Section 403.5(c) and (d), which are deemed to be Pretreatment Standards and contained in 13.26.04, C.
33. "Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, pharmaceutical residues, and dialysis wastes.
34. "National Pollutant Discharge Elimination System" is the State of Nevada program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into waters of the State implemented by the Nevada Department of Environmental Protection pursuant to Section 402 of the Clean Water Act and the State of Nevada Water Pollution Control Law, Chapter 445A of the Nevada Revised Statutes (NRS 445A.300-445A.730).
35. "New Source" means:
- a. Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
    - (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
    - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new

facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

- b. Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs a.(2) or a.(3) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - (1) Begun, or caused to begin as part of a continuous onsite construction program:
    - (a) Any placement, assembly, or installation of facilities or equipment; or
    - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- 36. "Normal Domestic Strength Wastewater" means wastewater, when analyzed in accordance with procedures established in 40 CFR Part 136, as amended, contains no more than three hundred (300) mg/L of 5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>), three hundred (300) mg/L of Total Suspended Solids and/or five (5) mg/L of Phosphorus. Discharges to the POTW that exceed these concentrations may be surcharged for the concentrations above these levels.
- 37. "Pass Through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).
- 38. "Person" means any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, government, governmental agency or other legal entity, or their legal representatives, agents or assigns. The definition includes all federal, state and local government entities.
- 39. "pH" means the intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution and reported as Standard Units (SU).
- 40. "Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive materials, heat, malodorous substance, wrecked or discharged equipment,

rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS turbidity, color, BOD<sub>5</sub>, COD, toxicity or odor) discharged into or with water.

41. "POTW Treatment Plant" means that portion of the POTW or any portion thereof designed to provide treatment of wastewater.
42. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical process, biological process, or by other process or means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).
43. "Pretreatment Requirement" means any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.
44. "Pretreatment Standard", "National Pretreatment Standard" or "Standard" means any regulation containing pollutant discharge limits promulgated by EPA, in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits, local limits and Best Management Practices that are established by the City. In cases of differing Standards, the more stringent shall apply.
45. "Publicly Owned Treatment Works" or "POTW" is a treatment works as defined by Section 212 of the Act (33 U.S.C 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature and any sewers, pipes or other conveyances which convey wastewater to the treatment plant. The term also means the municipality having jurisdiction over the Indirect Discharges to and the discharges from the treatment works.
46. "Sand/Oil Separator" is a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept sand (or other aggregate) and petroleum-based oil and grease from a wastewater discharge and are designed considering retention times, volumes in gallons calculated for each facility, and gravity separation; such interceptors include baffle(s) and a minimum of two compartments. These Sand/Oil Separator requirements may be found at 13.28.30 of this Chapter.
47. "Sector Control Program" is a program designed to control specific pollutants from industrial users with similar operations, waste generation or treatment through the implementation of Pretreatment Standards and Requirements, including Best Management Practices. These Sector Control Program requirements may be found at 13.28.30 of this Chapter.
48. "Shall" is mandatory; "may" is permissive.
49. "Significant Industrial User" or "Class 1 Industrial User" means:
  - a. A Categorical Industrial User;



- b. An Industrial User that:
- (1) Discharges making up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (2) Discharges of an average of twenty-five thousand gallons per day (25,000 gpd) or more of process wastewater to the POTW (excluding noncontact cooling, sanitary, and boiler blow down); or
  - (3) Is designated as such by the Director on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- c. The City, at its sole discretion, may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred gallons per day (100 gpd) of total wastewater subject to Categorical Pretreatment Standards (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
- (1) The Industrial User, prior to the City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
  - (2) The Industrial User annually submits the certification statement as found in 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and
  - (3) The Industrial User never discharges any untreated concentrated wastewater.
- d. Upon finding by the Director that an Industrial User meeting the criteria in paragraph b of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or Requirement, the Director may at any time, on its own initiative or in response to a petition received from an Industrial User, determine that such Industrial User is not a Significant Industrial User.
50. "Slug Load" or "Slug Discharge" means any discharge at a flow rate or concentration, which could cause a violation of the Specific Prohibitions in 13.28.04. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, or a discharge which exceeds the hydraulic or design of an Industrial User's treatment system or any part of the treatment unit including a discharge which has a reasonable potential to cause Interference or Pass Through or in any other way violate an applicable Pretreatment Standard or Requirement or an Industrial Wastewater Discharge Permit issued by the City.
51. "Standard Industrial Classification" or "SIC" code means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.
52. "Total Dissolved Solids" or "TDS" are the "residue-on-evaporation" of the filterable solids in water or wastewater, otherwise known as that portion of solids that passes through a

glass fiber filter and dried at 180 degrees Celsius (180°C) using a method approved in 40 CFR Part 136.

53. "Total Suspended Solids" or "TSS" means the solids that float on the surface of, or are suspended in the water, sewage, or other liquid, and which are removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.
54. "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under Section 307(a) of the Act or as otherwise listed in 40 CFR Part 122, Appendix D.
55. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User and shall provide notifications to the City as required pursuant to 40 CFR Section 403.16 and 13.28.36, A.
56. "Wastewater" means the liquid and water-carried industrial or domestic wastes from residences, commercial buildings, industrial facilities and institutions, together with any infiltrating groundwater, surface water and stormwater that may be present, whether treated or untreated, which are discharged to or permitted to enter the POTW.

**B. Abbreviations.** The following abbreviations shall have the designated meanings:

BMP	Best Management Practice
BMR	Baseline Monitoring Report
BOD <sub>5</sub>	Biochemical Oxygen Demand
°C	degrees Celsius
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CWA	Clean Water Act
EPA	U.S. Environmental Protection Agency
°F	degrees Fahrenheit
FOG	Fats, Oils and Grease
gpd	gallons per day
gpm	gallons per minute
GGI	Gravity Grease Interceptor
HEM	Hexane Extractable Material
HMGI	Hydromechanical Grease Interceptor (aka Grease Trap)
IGA	Intergovernmental Agreement
IU	Industrial User
mgd	million gallons per day
mg/L	milligrams per Liter
NDEP	Nevada Department of Environmental Protection
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SIU	Significant Industrial User

SNC	Significant Noncompliance
§	Section
TDS	Total Dissolved Solids
TSS	Total Suspended Solids
U.S.C.	United States Code

#### 13.28.04 - Wastewater Discharge Prohibitions and Limitations.

- A. General Prohibitions. No Industrial User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which causes Pass Through or Interference. These General Prohibitions and the Specific Prohibitions in paragraph B apply to all industrial users of the POTW whether or not the industrial users are subject to other Pretreatment Standards or Requirements
- B. Specific Prohibitions

No Industrial User shall contribute the following pollutants into the POTW:

- Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the wastewater facilities, including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty degrees Celsius (60°C) or one hundred forty degrees Fahrenheit (140°F) using the test methods specified in 40 CFR Section 261.21. The Director may require industrial users with the potential to discharge flammable, combustible or explosive substances to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two successive readings on an explosion hazard meter at the point of discharge shall be more than five percent (5%), nor any one reading more than ten percent (10%), of the Lower Explosive Limit (LEL) of the meter
- Solid or viscous substances which may cause obstruction to the flow in the POTW resulting in Interference.
- Any wastewater having a pH less than 5.0 or higher than 12.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater facilities.
- Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
- Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 degrees (40°) Celsius or one-hundred and four degrees (104°) Fahrenheit unless EPA, upon request of the POTW, approves alternate temperature limits;
- Any petroleum oil, non-biodegradable cutting oil, or products of and mineral origin in amounts that will cause Pass Through or Interference. The City may include sampling and reporting requirements in a permit or require compliance with permit specific limits or best management practices where the concentration has the reasonable potential to exceed 100 mg/L.
- Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or pollutants which singly or cumulatively or by interaction with other wastes are sufficient to create a public

nuisance or hazard to life or are sufficient to prevent or interfere with entry into the sewers for their maintenance and repair.

8. Any trucked or hauled pollutants, except at discharge points designated by the Director;
9. It shall be prohibited for rainwater, storm water, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, pools, water from yard fountains or water features, ponds or lawn sprays or other non-potable water as determined by the City to be discharged to the Publicly Owned Treatment Works without written authorization of the Director. The Director may approve the discharge of such water only when, in the opinion of the City, there is no other reasonable method of disposal available. If authorization is granted for the discharge of such water into the Publicly Owned Treatment Works, the user shall pay an applicable user charge, fees and meet all conditions as required. No discharge of wastewater or stormwater in any form, as defined in the Federal Water Pollution Control Act (33 USC 1251 et seq.), shall be made into the storm water system or waters of the State of Nevada that would cause a violation of the NPDES storm water permit.
10. Any substance which may cause the wastewater facilities' effluent, or any other product of the wastewater facilities, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
11. Any substance which will cause the City to violate its NPDES permit or applicable Water Quality Standards.
12. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
13. A Slug Discharge as defined in 13.28.28, E.
14. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director or other regulations set forth by the State of Nevada or that violates any applicable local, state or federal regulation.
15. Bulk, expired, outdated or concentrated prescription or non-prescription drugs.
16. Wastewater or pollutants discharged directly into a manhole or other opening to the POTW unless specifically authorized by the Director or as otherwise permitted under this Chapter. Prohibited is the opening of a manhole or discharging into any opening in violation of this Chapter.
17. No chemicals, materials, or substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in proximity to a floor drain or other sewer openings unless secondary containment is provided.
18. Wastewater contaminated as a result of discharge from aboveground and/or underground gasoline, diesel fuels, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines without applying for and obtaining a permit prior to discharge.
19. Liquid wastes from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the City to collect such wastes.

20. Sludges, screenings, or other residues from the treatment of industrial wastes.
21. Medical wastes that cause or contribute to Pass Through or Interference.
22. Wastewater causing, alone or in conjunction with other sources, the POTW effluent to fail a Whole Effluent Toxicity (WET) test.
23. Detergents, surfactants and other surface-active agents, or other substances which may cause excessive foaming in the POTW or cause or contribute to Pass Through or Interference.
24. Discharge of Nonylphenol from the use of bulk or concentrated Nonylphenol containing detergents as employed by some industrial or commercial laundries, car washes or asphalt manufacturers or other industrial users.
25. Wastewater which contains grease or oil or any other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees (32°) Fahrenheit (0° Celsius) and one hundred fifty degrees (150°) Fahrenheit (65.5° Celsius).
26. Wastewater containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of two hundred and fifty milligrams per liter (250 mg/L). This limit will not apply if the industrial user has installed and is properly operating and maintaining a Gravity Grease Interceptor and implementing all required BMPs as specified in Section 13.28.30.
27. Wastewater generated as a result of wastes pumped from gravity grease interceptors, hydromechanical grease interceptors or grease traps, sand-oil separators or other storage tanks or treatment units back into the POTW, either directly or indirectly, without approval of the Director.
28. Discharge of any wastewater containing perchloroethylene (PCE) (also known as Tetrachloroethene and Tetrachloroethylene) from any industrial user involved in the dry cleaning business.
29. Wastewater of domestic origin or associated with any industrial activities shall not be discharged to the City stormwater sewer system unless permitted by the State and approved by the City in writing.
30. Any pesticides, herbicides or fungicides that cause or contribute to Pass Through, Interference or other problems at the treatment works or in the receiving waters. In no case shall an Industrial User discharge wastewater that is generated from the rinsing of any container that contains or contained any concentrated or formulated pesticide, herbicide or fungicide.

**C. Specific Discharge Limitations**

1. No Class I Significant Industrial User (SIU) or other designated non-SIU shall discharge or cause to be discharged wastewater that exceeds the following limits:

Pollutant <sup>(a)</sup>	Daily Maximum Discharge Limit (mg/L)
Arsenic	0.44
Cadmium	0.035

Chromium	5.02
Copper	2.35
Lead	0.33
Mercury	0.058
Nickel	1.99
Selenium	0.21
Silver	1.53
Zinc	6.3
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>(b)(c)</sup>	12,300 lbs/day
Total Suspended Solids (TSS) <sup>(b)(c)</sup>	11,300 lbs/day
Phosphorus <sup>(b)</sup>	879 lbs/day

- (a) All Pollutants as Total and in mg/L unless otherwise specified.
- (b) These limits are the total mass in pounds per day (lbs/day) that are available to allocate to all permitted industrial users. Allocations are at the sole discretion of the City.
- (c) Discharges containing BOD<sub>5</sub> or TSS concentrations over that of Normal Domestic Strength Wastewater may be surcharged.

- The City may, at its sole discretion, implement local limits through allocation of the Maximum Allowable Industrial Load (MAIL) to Significant Industrial Users and correspond to the uniform concentration local limits shown in the table above. The MAILs that correspond to the Daily Maximum Discharge Limits are hereby incorporated by reference.
- The following limits shall apply to wastewaters that are discharged from the groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants or where these pollutants are appropriate surrogates. It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater that exceeds the following limits, as applicable.

Pollutant <sup>(a)(c)</sup>	Daily Maximum Limit (mg/L)
Benzene	0.060
BTEX <sup>(b)</sup>	0.750

- (a) All pollutants shown in the Table are total.
- (b) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
- (c) These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."

#### D. Salinity Controls

- A Class I Industrial User who introduces wastewater into the POTW may be required to submit a Salinity Control Plan if monitoring of the Industrial User's discharge shows it exceeds one thousand two hundred (1,200) mg/L of Total Dissolved Solids (TDS). This Plan shall contain a description of the chemicals and materials used that contribute to the TDS concentration and the source control measures that will be implemented to reduce

the TDS concentration in the discharge to less than 1,200 mg/L or to a level specified by the Director that prevents discharges that cause or contribute to Pass Through or Interference. The Director may prohibit discharge of wastewater exceeding 1,200 mg/L TDS from any Industrial User. Monitoring requirements for TDS shall be specified in the Industrial Wastewater Discharge Permit.

2. Class I industrial users shall submit this Control Plan within one-hundred and eighty (180) days of permit issuance. If the Class I Industrial User reports a change in operations or discharge as required in Section 13.28.28, J. the Industrial User shall update the Control Plan required in paragraph D.1 above and resubmit to the City within thirty (30) days of the change in discharge notice.
  3. Any Industrial User may be required to monitor for TDS and develop a Control Plan at the Director's discretion.
- E. The Director may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the Director, such limitations are necessary to implement the provisions of this Chapter.
- F. Dilution is prohibited as a substitute for treatment and shall be a violation of this Chapter. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The City may impose mass limitations on industrial users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations is appropriate.
- G. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal Pretreatment Standards and Requirements or those in this Chapter.

#### 13.28.06 - National Categorical Pretreatment Standards.

Industrial users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with subsections E. and F in this Section 13.28.06.
- B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. A Categorical Industrial User may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following paragraphs of this Section.
1. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis

(i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph 2 of this Section are met.

2. Criteria.

- a. Either (1) The applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (2) The Industrial User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
- b. Credit for generic pollutants such as Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
- d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.

E. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in subsections E.1.a. through E.1.e. below.

1. To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and



- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
2. An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than twenty (20) percent from its baseline production rates determined in subsection E.1.c. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection E.1.a. so long as it discharges under an equivalent mass limit.
3. When developing equivalent mass limits, the Director:
- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent Industrial Wastewater Discharge Permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to 13.28.04, F. The Industrial User must also be in compliance with 40 CFR Section 403.17 and 13.28.36, C. regarding the prohibition of bypass.
- F. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
- G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 13.28.06 in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived.
- H. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the Industrial User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

#### 13.28.08 - Pretreatment and Monitoring Facilities.

- A. **Treatment Required.** An Industrial User shall provide necessary wastewater treatment at the Industrial User's expense as required to comply with this Chapter and shall achieve compliance with all Pretreatment Standards and Requirements within the time limitations specified by the EPA or the City, whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review and shall be acceptable before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter.
- B. **Proper Operation and Maintenance.** The Industrial User shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Industrial User. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by an Industrial User when the operation is necessary to achieve or assure compliance with conditions of the permit.
- C. **Monitoring Facilities.** The City may require an Industrial User to install at the Industrial User's expense, suitable monitoring facilities or equipment that allows for the representative sampling and accurate observation of wastewater discharges. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the City's requirements and all applicable construction standards and specifications. Monitoring equipment and structures shall be maintained in proper working order, calibrated as required by manufacturer's recommendations and kept safe and accessible at all times to City personnel. The monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building unless otherwise approved by the City. The monitoring facility shall be provided with an enclosure that can be locked during sampling or monitoring or other inspection with a lock provided by the City. When such a location would be impractical, the City may allow such facility to be constructed in the public street or easement area, with the approval of the agency having jurisdiction over such street or easement, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles. No Industrial User shall cover any manhole, sewer cleanout, or other openings in the wastewater collection system with earth, paving, or otherwise render it inaccessible.
- D. **Certified Operators.** The Director may require an Industrial User to have treatment facility operators that are certified as Industrial Waste Operators by the Nevada Water Environment Association. The minimum grade of certification required shall be determined by the Director.
- E. **Wastewater Discharge Control.** The City may require an Industrial User to restrict discharge during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and demonstrate the Industrial User's compliance with the requirements of this Chapter.
- F. **Flow Equalization.** The City may require any Industrial User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Wastewater Discharge Permit may be issued solely for flow equalization.

- G. **Multitenant Buildings.** When more than one Industrial User is able to discharge into a common service line, the City may require installation of separate monitoring equipment or structures for each Industrial User.
- H. **Flow, pH, LEL and other meters and equipment.** If the City determines an Industrial User is required to measure and report (1) wastewater flow, (2) discharge process wastewaters necessitating continuous pH measurement or (3) discharge wastewater that may contain flammable substances or other pollutants of concern, the City may require the Industrial User to install and maintain, at the Industrial User's expense, approved meters and equipment. The type of meter and installation design shall be certified by a Professional Engineer licensed in the State of Nevada.

#### 13.28.10 - Industrial Wastewater Discharge Permits.

##### A. Permits Required.

All Significant Industrial Users (Class 1 Industrial Users) proposing to connect to, or discharge into, any part of the wastewater system shall apply for and obtain an Industrial Wastewater Discharge Permit prior to commencing discharge to the POTW. A separate permit may be required for each Industrial User, building or complex of buildings. Such Significant Industrial Users shall immediately contact the City and obtain an Industrial Wastewater Discharge Permit.

##### B. New Industrial Users: Applying for an Industrial Wastewater Discharge Permit

Any Industrial User required to obtain an Industrial Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must apply for and obtain such permit prior to the beginning or recommencing of such discharge. The Industrial User shall file a permit application on forms provided by the City containing the information specified in 13.28.10, F. below. The completed application for the Industrial Wastewater Discharge Permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. The City may issue a permit at any time after receipt of the completed permit application.

##### C. Existing Industrial Users: Applying for an Industrial Wastewater Discharge Permit Re-issuance

An Industrial User with an expiring an Industrial Wastewater Discharge Permit shall apply for a new permit by submitting a complete permit application at least ninety (90) days prior to the expiration of the Industrial User's existing discharge permit. The Industrial User shall file a permit application on forms provided by the City containing the information specified in 13.28.10, F. below. An Industrial User with an existing permit that has filed a complete and timely application may continue to discharge, as approved in writing by the City, through an administrative extension of the existing permit if the delay in permit issuance is not due to any act or failure to act on the Industrial User's part.

##### D. Other Industrial Users, Including Class II Industrial Users

The City may require other industrial users to apply for and obtain a permit or other control mechanism to carry out the purposes of this Chapter. The City may issue an Industrial Wastewater Discharge Permit, a zero discharge permit or other control mechanism, including, but not limited to, authorizations to discharge and letters authorizing discharge, as needed.

##### E. Enforceability

Any violation of the terms and conditions of an Industrial Wastewater Discharge Permit, failure to apply for a permit as required, or discharging without a required permit shall be deemed a

violation of this Chapter and subjects the Industrial User to enforcement by the City. Obtaining an Industrial Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all State and federal Pretreatment Standards or Requirements.

**F. Permit Application Contents**

In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

1. Name of business, address of the facility, location of the discharge if different from the facility address, and contact information for the owner, operator and the Authorized Representative of the Industrial User.
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations.
  - a. A brief description of the nature, average and maximum rate of production (including each product produced by type, amount, processes, and rate of production);
  - b. The Standard Industrial Classification(s) of the operation(s) carried out by such Industrial User;
  - c. A schematic process diagram, which indicates all process tanks, process lines, treatment systems, drains, and points of discharge to the POTW from each regulated process and source of non-domestic wastewater;
  - d. A listing of all non-domestic process streams and the type(s) of wastes generated from each process;
  - e. A list of all raw materials and chemicals used or stored at the facility;
  - f. Number of employees; and
  - g. Hours of operation, and proposed or actual hours of operation.
4. Time and duration of discharges including the date the industrial user first began discharge or plans to discharge to the POTW.
5. The location for sampling the wastewater discharges from the Industrial User.
6. Flow measurement. Information showing the average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR Section 403.6(e). For New Sources and new permittees not currently discharging, an estimate of flows may be used for meeting the requirements of the Baseline Monitoring Report required in 13.28.28, B.
7. Measurement of Pollutants.
  - a. The Pretreatment Standards applicable to each regulated process;

- b. The results of sampling and analysis identifying the nature and concentration, and/or mass of regulated pollutants in the discharge from each regulated process where required by the Standard or by the City;
  - c. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported;
  - d. The sample shall be representative of daily operations and shall be collected in accordance with procedures set out in 13.28.24. Where the Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User shall submit documentation as required by the City or the applicable Standard to determine compliance with the Standard; and
  - e. Analyses must be performed in accordance with procedures set out in 13.28.24.
- 8. A list of hazardous waste(s) generated and a description of the storage area and procedures for handling and disposal of the wastes.
  - 9. Slug Discharge Control Plan for Significant Industrial Users as described in 13.28.28, E. shall be submitted and as required by the Director for other industrial users.
  - 10. Compliance Schedule. If additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No such increment shall exceed nine (9) months.
  - b. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director.
- 11. Certification. A statement, reviewed by the Authorized Representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
  - 12. Signatory Certification. All Industrial Wastewater Discharge Permit applications and certification statements must be signed by the Authorized Representative of the Industrial User and contain the applicable certification statement(s) in Section 13.28.12, H.

13. Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

**G. Industrial Wastewater Discharge Permit Issuance**

1. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years at the City's discretion or may be stated to expire on a specific date.
2. Where the City is issuing a permit containing a permit specific Pretreatment Standard or Requirement not otherwise contained in this Chapter, the Pretreatment Standard or Requirement shall be noticed for public comment for thirty (30) days in a newspaper of general circulation that provides meaningful public notice or processed through the City Council approval process.
3. The City shall issue an Industrial Wastewater Discharge Permit to the applicant if the City finds that all of the following conditions are met:
  - a. The applicant has provided a timely and complete permit application to the City;
  - b. The proposed discharge by the applicant is in compliance with the Pretreatment Standards and Requirements established in this Chapter;
  - c. The proposed operation and discharge of the applicant would permit the normal and efficient operation of the POTW; and
  - d. The proposed discharge by the applicant would not result in a violation by the City of the terms and conditions of its NPDES Permit or cause Pass Through or Interference.
4. If the City finds that the condition set out in Subsection 3.b. of this Section is not met, the City may, at their discretion, issue an Industrial Wastewater Discharge Permit to the applicant if the conditions set out in subsections 3.a., 3.c. and 3.d. of this Section have been met and if the applicant submits, and the City approves, a compliance schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to insure compliance with applicable Pretreatment Standards and Requirements. At no time shall a discharge be allowed to cause a violation of any General or Specific Prohibition established in 13.28.04 nor shall the final compliance date for a Categorical Pretreatment Standard be extended.

**H. Administrative Permit Appeals**

1. Any Industrial User may file an appeal to reconsider the terms of an Industrial Wastewater Discharge Permit or appeal a decision by the City to deny to issue an Industrial Wastewater Discharge Permit.
2. An Industrial User must file a written appeal request to the Director to reconsider a permitting action or decision by the City within fifteen (15) days of such City action. The Industrial User shall set forth in detail the facts that support the Industrial User's request for reconsideration. Such facts must include a statement that sets forth any newly discovered relevant fact that was not known or was unavailable to the Industrial User at the time of the City action. The Director shall render a written decision with respect to such request for reconsideration within thirty (30) days after receipt of the Industrial User written appeal.

3. The Industrial User shall include a payment for the fee with the written request for reconsideration as specified in 13.28.40.
4. The decision by the Director may be appealed to the City Council within ten (10) working days after the date of its receipt of the Director's decision. The appeal to the City Council shall be made to the attention of the City Clerk's office and shall be in writing detailing the evidence and reasons for the appeal.
5. The Industrial User shall include a payment for the fee with the written request for reconsideration as specified in 13.28.40.
6. The appeal shall be heard by the City Council within forty-five (45) days after receipt of the written appeal. The City Council shall make a final ruling with respect to such appeal within forty-five (45) days after such hearing is concluded.

I. Temporary Industrial Wastewater Discharge Authorization

1. A temporary Industrial Wastewater Discharge Authorization shall be required of any Industrial User who is not a Class 1 Industrial User and is seeking a temporary, short-term authorization to discharge unpolluted water, storm drainage and/or ground water to the POTW. The Industrial User shall be required to complete an application for discharge as prescribed by the Director and pay the applicable fee with the application. No discharge shall be made until such time as the City authorizes the discharge.
2. A charge for use, to defray all of the costs of the city for providing wastewater collection and treatment service and monitoring, shall be established by the City. A deposit in an amount to be determined by the Director as being sufficient to pay the estimated charges for use shall accompany the application for a temporary Industrial Wastewater Discharge Authorization, and such deposit shall be applied to the charges for the use of the POTW.
3. Each temporary Industrial Wastewater Discharge Authorization shall be issued for a specific period, not to exceed six (6) months. The terms and conditions of such permit may be subject to modification and change by the city during the period for which it was issued. Any change or new condition in such permit shall include a reasonable time schedule for compliance therewith.

- J. **Transferability.** An Industrial Wastewater Discharge Permit is issued to a specific Industrial User for a specific operation. An Industrial Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the prior written approval of the City. Any succeeding owner shall comply with the terms and conditions of the existing permit until a new permit is issued. The Permittee shall notify the City at least thirty (30) days prior to any change of ownership and shall provide a copy of the permit to the new owner. Failure to provide advance notice of a transfer renders the Industrial Wastewater Discharge Permit void as of the date of facility transfer and discharge of wastewater prohibited.

13.28.12 - Industrial Wastewater Discharge Permit Conditions.

Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this Chapter and all other applicable regulations, user charges and fees established by the City.

A. Permits shall contain the following:

1. A statement that indicates the permit's issuance date, expiration date and effective date;

2. A statement on permit transferability;
  3. Effluent limits, including Best Management Practices, based upon applicable Pretreatment Standards;
  4. Self-monitoring, sampling, reporting, notification and record-keeping requirements including, but not limited to, identification of the pollutants or BMPs to be monitored, sampling location, sampling frequency and sample type, based on federal, state and local law;
  5. Statements of applicable administrative, civil and criminal penalties for the violation of Pretreatment Standards and Requirements, the permit, this Chapter, and any applicable compliance schedule;
  6. Requirements to immediately notify the City of any changes at its facility affecting potential for a Slug Discharge and for the Industrial User to immediately report any slug discharges, spills or accidental discharges, including any discharges that may cause problems at the POTW;
- B. Permits may also include, as appropriate:
1. Applicable schedule of user charges and fees for the wastewater to be discharged into a public sewer;
  2. Limits on average and maximum rate and time of discharge or requirements for flow;
  3. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  4. Best Management Practices (BMPs) to control specific pollutants as necessary to meet the objectives of this Chapter;
  5. Compliance Schedules;
  6. Requirements to reapply for a new permit prior to expiration of the existing permit;
  7. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  8. Closure requirements for permitted facilities undergoing partial or complete closure activities to ensure closure activities are completed and wastes have been properly disposed and remaining access to sanitary and storm sewers are protected;
  9. Other conditions as deemed appropriate by the Director to ensure compliance with all applicable local, state and federal rules and regulations.

#### 13.28.14 - Industrial Wastewater Discharge Permit Modification.

The notification of an Industrial Wastewater Discharge Permit modification does not stay any wastewater discharge permit condition. The City may modify an Industrial Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:



- A. To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements or to reflect changes in applicable State or federal Standards;
- B. To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the Wastewater Discharge Permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters;
- E. Violation of any terms or conditions of the Industrial Wastewater Discharge Permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the Industrial Wastewater Discharge Permit application or in any required reporting;
- G. To reflect a transfer of the facility ownership and/or operation to a new owner/operator;
- H. To correct typographical or other errors in the Industrial Wastewater Discharge Permit; or
- I. Upon request of the Permittee, provided such request does not result in a violation of any applicable Pretreatment Standards or Requirements, or this Chapter.

#### 13.28.16 - Revocation of Industrial Wastewater Discharge Permit and Authorization to Discharge.

A violation of the conditions of an Industrial Wastewater Discharge Permit, authorization to discharge, this Chapter or of applicable State or federal regulations shall be reason for revocation of an Industrial User's permission to discharge. Upon revocation of the permit or authorization, any wastewater discharge from the affected Industrial User shall be considered prohibited and discharge of such wastewater in violation of this Chapter. Grounds for revocation of a permit include, but are not limited to, the following:

- A. Failure of an Industrial User to accurately disclose or report the wastewater constituents and characteristics of any discharge;
- B. Failure of the Industrial User to report significant changes in operations or wastewater constituents and characteristics as required;
- C. Refusal of access to the Industrial User's premises for the purpose of inspection or monitoring;
- D. Falsification of records, reports or monitoring results;
- E. Tampering with monitoring equipment;
- F. Misrepresentation or failure to fully disclose all relevant facts in the Industrial Wastewater Discharge Permit application;
- G. Failure to pay fines or penalties;
- H. Failure to pay sewer charges, surcharges, or pretreatment programs fees;
- I. Failure to meet compliance schedules;
- J. Failure to provide advance notice of the transfer of business ownership of a permitted facility.

- K. Failure to provide required reports, including but not limited to, a wastewater survey, baseline monitoring report, 90-day compliance report, permit application, self-monitoring report or other permit required reports or notifications within the timeframe required by the City;
- L. Failure of the Industrial User to commence discharge within one hundred and eighty (180) days after the effective date of the Industrial Wastewater Discharge Permit; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the Industrial Wastewater Discharge Permit or this Chapter.

#### 13.28.18 - Special Agreements and Contracts.

No statement contained in this Chapter shall be construed as prohibiting special written agreements between the City and any Industrial User allowing industrial waste or wastewater of unusual strength or character to be discharged to the POTW, provided said Industrial User compensates the City for any additional costs of treatment. Such agreement, however, shall not allow or cause:

- A. Any adverse effect to the POTW;
- B. A violation of the POTW NPDES permit;
- C. A violation of a General or Specific Prohibition;
- D. A Maximum Allowable Industrial Load (MAIL) to be exceeded;
- E. A violation of State or federal law or regulation; or
- F. Provide any waiver to applicable Categorical Pretreatment Standard.

#### 13.28.20 – Recordkeeping.

- A. All Industrial Users shall retain, and make available for inspection and copying, all records, reports, monitoring or other data, applications, permits and all other information and documentation required by this Chapter including documentation associated with Best Management Practices.
- B. Industrial users shall retain such records and shall keep such records available for inspection for at least three (3) years. This recordkeeping period shall be extended automatically for the duration of any litigation concerning the Industrial User's compliance with any provision of this Chapter, or when the Industrial User has been specifically and expressly notified of a longer records retention period by the Director.
- C. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report by the City shall govern.

#### 13.28.22 - Confidentiality of Information.

- A. All records, reports, data or other information supplied by any person or Industrial User as a result of any disclosure required by this Chapter or information and data from inspections shall be available for public inspection except as otherwise provided in this Section, 40 CFR Section 403.14 and the Nevada Open Records Law (NRS Chapter 239, et. seq.).
- B. These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall

not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the Industrial User which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped in a reasonably noticeable manner on each page containing such information. The Industrial User must demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.

- C. Information designated as a trade secret pursuant to this Section shall remain confidential and shall not be subject to public inspection in accordance with NRS 333.333. Such information shall be available only to officers, employees or authorized representatives of the City charged with implementing and enforcing the provisions of this Chapter and properly identified representatives of the U.S. Environmental Protection Agency and the Nevada Department of Environmental Protection.
- D. Effluent data from any Industrial User whether obtained by self-monitoring, monitoring by the City or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

#### 13.28.24 - Sample Collection and Analytical Methods.

##### A. Sample Collection.

Compliance determinations with respect to prohibitions and limitations in this Chapter may be made on the basis of either grab or composite samples of wastewater as specified by the City. Such samples shall be taken at a point or points which the City determines to be suitable for obtaining a representative sample of the discharge. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined by the City to meet specific circumstances.

##### B. Sample Type

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, and based on data that is representative of conditions occurring during the reporting period.

1. Except as indicated in subparagraphs 2 and 3 below, the Industrial User must collect representative wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is required by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the permitted discharge.
2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composited samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous local limits, including pH.

3. For sampling required in support of Baseline Monitoring and 90-day Compliance reports required in 13.28.28, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical representative sampling data do not exist. Where historical data are available, the City may authorize a lower minimum. The Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

**C. Analytical Requirements**

All pollutant analysis, including sampling techniques, to be submitted as part of an Industrial Wastewater Discharge Permit application, report, permit or other analyses required under this Chapter shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by the EPA.

**D. Records shall include for all samples:**

1. The date, exact place, method, and time of sampling and the name of the person(s) taking the samples;
2. The date(s) and time analyses were performed;
3. The name of the person performing the analyses;
4. The analytical techniques/methods used, including method detection limits and QA/QC sample results;
5. All chain-of-custody records; and
6. The results of such analyses.

**13.28.26 - Right of Entry.**

**A. Whenever it shall be necessary for the purposes of this Chapter, the City may enter upon any Industrial User's facility, property, or premises and shall have ready access to all parts of the premises subject to this Chapter for the purposes of:**

1. Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by an Industrial User. Compliance monitoring and inspection shall be conducted at a frequency as determined by the City and may be announced or unannounced;
2. Setting up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Industrial User's operations.
3. Examining and copying any records required to be kept under the provisions of this Chapter or of any other local, state or federal regulation;

4. The City may use a camera to photograph any areas of the facility as deemed necessary for carrying out the duties of the industrial pretreatment program including, but not limited to, documentation of the industrial user's compliance status and for reinforcement of required written reports. The industrial user shall be allowed to review copies of photographs for trade secret claims.
  5. Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation;
  6. Sampling any discharge of wastewater into POTW; and/or
  7. Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under this Chapter, could originate, be stored, or be discharged to the POTW.
- B. The occupant of such property or premises shall render all proper assistance in such activities. Where an Industrial User has security measures in place which require proper identification and clearance before entry into its premises, the Industrial User shall make necessary arrangements with its security personnel so that authorized representatives of the City will be permitted to enter without delay to perform their specified functions.
- C. The Director and other duly authorized agents and employees of the City are entitled to enter all private properties through which the City or any connecting jurisdiction holds an easement or similar access or occupancy right.
- D. Failure to allow entry or unreasonable delays: In the event the City or other duly authorized representative of the City is refused admission or unreasonably delayed, such refusal or delay is a violation of this Chapter and may result in enforcement action as allowed for under this Chapter including revocation of the Industrial Wastewater Discharge Permit.
- E. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.
- F. Search Warrants. If the City has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the North Las Vegas Municipal Court or another Court of competent jurisdiction.

#### 13.28.28 - Reporting and Notification Requirements.

- A. Periodic Compliance Reports (PCR) – All Significant Industrial Users
1. Any Significant Industrial User or other Industrial User required by the City, subject to a federal, state, or City Pretreatment Standard or Requirement must submit reports, at a frequency determined by the City but no less than once per six (6) months, indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards, including reporting of mass where applicable, and the average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practices (BMPs) or pollution prevention alternatives, the Industrial User must submit documentation required by the City or the Pretreatment Standard necessary to determine compliance status of the Industrial User.

All industrial monitoring reports must be signed and certified in accordance with 13.28.28, H.

2. For Industrial Users subject to equivalent mass or concentration limits established by the City, the IMR shall contain a reasonable measure of the Industrial User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the IMR shall include the Industrial User's actual average production rate for the reporting period.
3. All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that the sample results are unrepresentative of its discharge.
4. If an Industrial User monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the methods and procedures prescribed in 13.28.24, the results of this monitoring shall be included in the report.
5. The sampling and analyses required for the reporting outlined above may be performed by the City in lieu of the permittee. Where the City itself makes arrangements with the Industrial User to collect all the information required for the report, the Industrial User will not be required to submit the report.

**B. Baseline Monitoring Reports (BMR) – Categorical Industrial Users**

1. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a Category Determination under 40 CFR Section 403.6(a)(4), whichever is later, existing Industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information listed in paragraph 2 below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall submit to the City a report which contains the information listed in paragraph 2 below. A New Source shall report the method of pretreatment it intends to use to meet applicable Pretreatment Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged from regulated process streams and other non-process streams.
2. Industrial users described above shall submit the information set forth below.
  - a. All information required in 13.28.10, F.
  - b. Measurement of pollutants.
    - (1) The Industrial User shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this paragraph.
    - (2) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the Industrial User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 Section CFR 403.6(e) in order

to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the City.

- (3) Sampling and analysis shall be performed in accordance with 13.28.24.
- (4) The City may allow the submission of a BMR which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- (5) The BMR shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (6) Signature and Report Certification. All Baseline Monitoring Reports must be signed in accordance with 13.28.28, H. and signed by an Authorized Representative as defined in 13.28.02, A.3.

**C. 90-Day Compliance Reports – Categorical Industrial Users**

1. **New Sources:** All New Sources subject to existing Categorical Pretreatment Standards shall submit a report to the City within ninety (90) days from the date of first discharge to the POTW demonstrating actual and continuing compliance with those Standards.
2. **Existing Sources:** All Existing Sources required to comply with newly promulgated Categorical Pretreatment Standards shall submit a report to the City within ninety (90) days of the date on which compliance is required with those Standards demonstrating that actual and continuing compliance with such Standards has been achieved.
3. Such 90-day Compliance Report shall contain at a minimum the information required in 13.28.10, F subparagraphs 5, 6, 7, 10, 11, 12 and 13 and Section 13.28.28(B)(2)(b).

**D. 24 Hour Notice and 30 Day Re-sampling**

If sampling performed by an Industrial User indicates a violation of this Chapter, the Industrial User shall notify the City within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample if either of the following occurs:

1. The City performs sampling at the Industrial User's facility at a frequency of at least once per month.
2. The City performs sampling at the Industrial User's facility between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling. It is the sole responsibility of the Industrial User to verify if the City has performed this sampling.

**E. Slug and Spill Discharges- Notification and Plan Development**

1. Each Industrial User shall provide protection from spills and slug discharges of pollutants regulated under this Chapter. Facilities to prevent the discharge of spills or slug discharges shall be provided and maintained at the Industrial User's expense.

2. Each permitted Industrial User shall report all spills to the City that occurs within the boundaries of the User's facility whether or not the spill results in a discharge to the POTW.
3. The City shall evaluate whether each Significant Industrial User needs a Slug/Spill Discharge Control Plan or other action to control spills and slug discharges. The City may require an Industrial User to develop, submit for approval, and implement a Slug/Spill Discharge Control Plan or take such other action that may be necessary to control spills and slug discharges.
4. A Slug/Spill Discharge Control Plan shall address, at a minimum, the following:
  - a. Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures;
  - b. Description of contents and volumes of any process tanks;
  - c. Description of discharge practices, including non-routine batch discharges;
  - d. Listing of stored chemicals, including location and volumes;
  - e. Procedures for immediately notifying the City of any spill or Slug Discharge. It is the responsibility of the Industrial User to comply with the reporting requirements in 13.28.28, F.;
  - f. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and
  - g. Any other information as required by the City.
5. Notice to employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who work in any area where an accidental or slug discharge may occur or originate are advised of the emergency notification procedures.

F. Reports of Potential Problems – Slug Discharges

1. In the case of any Slug Discharge as defined in 13.28.02, A.51, the Industrial User shall immediately telephone and notify the City of the incident. This notification shall include:
  - a. Name of the facility
  - b. Location of the facility
  - c. Name of the caller
  - d. Date and time of discharge
  - e. Date and time discharge was halted
  - f. Location of the discharge
  - g. Estimated volume of discharge
  - h. Estimated concentration of pollutants in discharge



- i. Corrective actions taken to halt the discharge
- j. Method of disposal if applicable

2. Within five (5) working days following such discharge, the Industrial User shall, unless waived by the City, submit a detailed written report that includes all of the information contained in paragraph F.1 above and any other information describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.
3. The Industrial User shall immediately contact the City when a change occurs at its facility affecting the potential for a Slug Discharge. The Industrial User shall follow-up on this immediate notification with a written, detailed report outline the changes that were identified and how the Industrial User will prevent Slug Discharges to the POTW.

G. Reports for Other Industrial Users

If the City deems it necessary to assure compliance with provisions of this Chapter, any Industrial User of the POTW may be required to submit an Industrial Wastewater Discharge Permit application, questionnaire or other reports and notifications in a format and timeframe as specified by the City.

H. Signatory Certification.

All reports and other submittals required to be submitted to the City shall include the following statement and signatory requirements.

1. The Authorized Representative of the Industrial User signing any application, questionnaire, any report or other information required to be submitted to the City must sign and attach the following certification statement with each such report or information submitted to the City.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

2. If the Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this Section and meeting the definition in 13.28.02, A.51 must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

I. Compliance Schedules

Should any schedule of compliance be established in accordance with the requirements of this Chapter, the compliance schedule shall be as specified in 13.28.10, F.10.

J. Change in Discharge or Operations

1. Every permitted Industrial User shall file a notification with the City a minimum of fourteen (14) days prior to any planned significant change in operations or wastewater characteristics. A significant change shall be a change equal to or greater than twenty percent (20%) in the mass of a pollutant or volume of flow discharged to the POTW. In addition, this notification shall include changes to:
  - a. Adding or removing processing, manufacturing or other production operations.
  - b. New pollutants used which may be discharged.
  - c. Changes in the listed or characteristic hazardous waste for which the Industrial User has submitted or is required to submit information to the City under this Chapter and 40 CFR Section 403.12 (p) as amended.
2. Known or anticipated facility closure. The Industrial User is required to notify the City at least thirty (30) days prior to facility shutdown or closure which might alter the character, nature, quality, or volume of its wastewater.

K. Notification of the Discharge of Hazardous Waste.

1. Any Industrial User shall notify the City, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification to the City shall be made within the appropriate time frames specified in 13.28.28, paragraphs D, F and J or within twenty-four (24) hours of becoming aware of the discharge, whichever is shorter.

Such notification must include:

  - a. The name of the hazardous waste as set forth at 40 CFR Part 261;
  - b. The EPA hazardous waste number;
  - c. The type of discharge (continuous, batch, or other);
  - d. An identification of the hazardous constituents contained in the wastes;
  - e. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
  - f. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months;
  - g. Certification that the Industrial User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical; and
  - h. Signatory certification as required by 13.28.28, H.
2. Any Industrial User shall notify the EPA Regional Waste Management Division Manager, and state hazardous waste authorities, in writing, of the discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261 and meets the reporting criteria specified at 40 CFR Section 403.12(p). Notification to the State and EPA is the responsibility of the Industrial User and shall be made as

required under 40 CFR Section 403.12(p). The Industrial User shall copy the City on all notifications made to the State and EPA.

3. In the case of any new regulation under Section 3001 of the Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the Industrial User must notify the City, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
4. This provision does not create a right to discharge any substance not otherwise allowed to be discharged by this Chapter, a permit issued hereunder, or any applicable federal or state law.

**L. Requests for Information**

1. A permittee shall furnish to the City, within the timeframe set by the Director, any information which the City may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating an Industrial Wastewater Discharge Permit, or to determine compliance with the Industrial Wastewater Discharge Permit or this Chapter. A permittee shall also, upon request, provide to the City, within the timeframe required by the Director, copies of any records that are required by the Industrial Wastewater Discharge Permit, discharge authorization or this Chapter.
2. When requested by the City, any Industrial User shall submit information to the Director regarding industrial processes, nature and characteristics of wastes and wastewaters generated at the industrial facility, method of disposal of wastes, or other information required by the Director to meet the responsibilities under this Chapter, State law, and 40 CFR Part 403. Failure to provide information within the timeframe specified shall be a violation of this Chapter.

**M. Surcharges: Sampling and Reporting for Industrial Users**

The Director may require any Industrial User that discharges pollutants in excess of those pollutant limits specified in 13.28.02, A.37 to periodically measure and report flows and wastewater pollutants. All sampling and reporting shall be performed as required in 13.28.24. If the City performs the sampling and either performs the analyses in-house or sends the samples to a contract lab, the Industrial User shall be responsible for paying all fees associated with that activity or as otherwise specified in 13.28.40.

**13.28.30 - Sector Control Programs.**

**A. General Requirements**

**1. Authority**

The City may establish specific sector control programs for Industrial users to control specific pollutants as necessary to meet the objectives of this Chapter. Pollutants subject to these sector control programs shall generally be controlled using Best Management Practices (BMPs).

**2. Facility Identification and Compliance**

The City shall implement procedures to identify industrial users for inclusion into applicable sector control programs. Once identified and included into one or more sector

control program, the facility shall be required to comply with the applicable sector control program requirements.

3. Notification to the City by the Industrial User and Management Review

The City shall review new construction and existing facilities undergoing any physical change, change in ownership, change in operations, or other change that could change the nature, properties, or volume of wastewater discharge, to ensure that current sector control program requirements are incorporated and implemented.

The Industrial User shall inform the City prior to:

- a. Sale or transfer of ownership of the business; or
- b. Change in the trade name under which the business is operated; or
- c. Change in the nature of the services provided that affect the potential to discharge sector control program pollutants; or
- d. Remodeling of the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a city, county or other jurisdiction.

4. Inspections

- a. The City may conduct inspections of any facility with or without notice for the purpose of determining applicability and/or compliance with sector control program requirements.
- b. If any inspection reveals non-compliance with any provision of a sector control program requirement, corrective action shall be required pursuant to the applicable sector control program.
- c. Inspection results will be provided in writing to the facility upon request.

5. Closure

The City may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Closure may include the removal of equipment, the filling in and/or cementing, capping, plugging, etc.

6. Enforcement and Compliance

- a. These requirements form a part of this Chapter. Enforcement of this regulation is governed by the express terms in this Chapter.
- b. Any extraordinary costs incurred by the City due to interference, damage, Pass Through, or maintenance necessary in the treatment and/or collection system shall be paid by the Industrial User to the City. The direct costs of all labor, equipment and materials incurred in rectifying the interference or damage, including reasonable attorney's fees, shall be billed directly to the owner or the Industrial User by the City, and such costs shall become part of the total charges

due and owing to the City and shall constitute a lien on the Industrial User until paid in full.

**B. Fats, Oil and Grease (FOG) Best Management Practices**

1. **Applicability:** These Best Management Practices (BMP's) establish requirements for any facility the Director determines that has the potential to discharge floatable or settleable material. The requirements established in this BMP shall apply to facilities where preparation, manufacturing, processing of food or washing/sanitizing of dishes or equipment occurs. Included food establishments may include, but are not limited to, restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops, schools, nursing homes and other facilities that prepare, service or otherwise make foodstuff available for consumption.
2. These facilities shall install and maintain a Gravity Grease Interceptor (GGI) within ninety (90) days of being notified of such requirement.
3. No food service establishment covered by subsection B.1 above shall discharge or cause to be discharged any wastewater containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of two hundred and fifty milligrams per liter (250 mg/L). Unless otherwise approved by the Director, a food service establishment shall install and properly operate and maintain a Gravity Grease Interceptor, implement all required BMPs and not violate a General or Specific Prohibition as specified in Section 13.28.04 of this Chapter.
4. A GGI that was legally and properly installed at an industrial user's facility prior to the effective date of this Chapter shall be acceptable as an alternative if such device is effective in removing floatable and settleable material and is designed and installed in such a manner that it can be inspected and properly maintained. If the Director determines at any time that such GGI is incapable of adequately retaining the floatable and settleable material or if it was installed in such a manner that it cannot be inspected and properly maintained, the industrial user shall install a GGI that complies with all City codes within ninety (90) days after being notified of such requirement.
5. **Variance**
  - a. A variance as to the requirements may be granted by the Director for good cause. The facility has the burden of proof of demonstrating through data and other information why a variance should be granted. In no case shall a variance result in violation of any Pretreatment Standard or Requirement specified in this Chapter and applicable to the discharge. The granting of any variance shall be at the sole discretion of the Director and may be revoked at their discretion.
  - b. If a variance is granted, the facility shall institute Best Management Practices and other mitigation measures as specified by the Director. These BMPs may include, but not be limited to:
    - (1) Allow the installation of a Hydromechanical Grease Interceptor (HMGI), or continue to allow the use of an HMGI in lieu of installing a GGI, where the HMGI is shown to be effective. If a HMGI is not shown to be effective, the Director may require the industrial user to install a GGI.
    - (2) All sinks and drains which are connected to the sanitary sewer shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the sewer system.

- (3) Food grinders are prohibited unless the industrial user installs and properly operates a solids separator prior to discharge to the POTW.
- (4) Biological treatment or enzyme treatment shall not be used unless approved by the Director. Use of enzymes or other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is prohibited.
- (5) An employee training program shall be instituted on a periodic basis and for all new employees on FOG waste management.
- (6) Provide quarterly cleaning of its private service line to prevent the buildup of oil, grease and solids or as otherwise specified by the Director.
- (7) Submit records of the private service line cleaning as specified by the Director.
- (8) Pay the costs incurred by the City or other jurisdiction for accelerated sewer line cleaning on the sewer line providing service between the facility and the POTW, costs to the City for treating the excess strength waste and any costs for sampling and analysis.

6. General Control Requirements

- a. A GGI shall be required for the proper handling of liquid wastes which may be harmful to, or cause obstruction in the wastewater collection system or cause or contribute to Pass Through or Interference.
- b. It shall be the responsibility of the industrial user and/or owner of the property to contact the City for the purpose of obtaining necessary permits for the installation of a grease removal device or any modifications to the facility's plumbing. Written approval from the City must be obtained prior to installation of the interceptor. The time of review and approval of such permits shall in no way relieve the industrial user from the responsibility of producing a discharge acceptable to the City under the provisions of this Chapter.
- c. The design and sizing of GGIs shall be in accordance with applicable City Building Codes. The GGI shall be designed, sized, installed, maintained and operated so as to accomplish the intended purpose of intercepting pollutants from the industrial user's wastewater and preventing the discharge of such pollutants to the City's wastewater collection system, including pollutants that result in toxic, noxious or malodorous conditions that create a public nuisance or unsafe working conditions, which endanger life or the environment.
- d. Upon change of ownership of any existing facility which would be required to have an interceptor under this Chapter, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning GGI is installed.
- e. All sinks which are connected to a GGI shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the GGI. Food grinders are prohibited unless the industrial user installs and properly operates a solids separator prior to the GGI.
- f. The Industrial User must ensure interceptors are easily accessible for inspection, cleaning, and removal of FOG.

- g. The Industrial User must maintain interceptors at their expense and keep in efficient operating condition at all times by the regular removal of accumulated FOG.
- h. Each Industrial User that is required to use and maintain a GGI shall keep a record of every time the GGI is pumped, cleaned or repaired. This record shall include the date, the name of the company that pumped or cleaned the GGI and the amount of waste that was removed. Such records shall be made available to the Director upon request. The removed contents from any GGI shall be handled by a person licensed to haul such waste and shall be disposed of in accordance with federal, state and local regulations.

7. Required Maintenance

- a. GGIs shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the facility's wastewater and prevent the discharge of said materials into the City's wastewater collection system. A GGI shall be serviced at a minimum of every ninety (90) days, whenever the combined thickness of the floating greases and settled solids is greater than 25% of the hydraulic working capacity of the GGI, if an effluent concentration exceeds 250 mg/L, or if toxic, noxious, malodorous conditions create a public nuisance or unsafe working conditions which endanger health.
- b. The City may require more frequent cleaning than that prescribed in paragraph 6, a. above. A variance from the requirement in paragraph 6, a. may be obtained if the industrial user can demonstrate through analytical data that less frequent cleaning is sufficient.
- c. Maintenance of grease interceptors shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures.
- d. In the event a GGI is not properly maintained by the Industrial user, owner, lessee, or other authorized representative of the facility, the City may authorize such maintenance work be performed on behalf of the industrial user. The costs of such maintenance shall be billed directly to the tenant/owner and shall become part of the charges due and owing to the City.
- e. Biological treatment or enzyme treatment shall not be a substitute for the servicing of a GGI. Use of enzymes or other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is prohibited.
- f. The industrial user must document each pump-out with a waste manifest or trip ticket and kept by the industrial user on site for at least three (3) years.
- g. The Industrial User must take reasonable steps to assure that all waste is properly disposed of in accordance with federal, state and local regulations (i.e. through a statement certifying proper disposal by the hauler included on the waste manifest or trip ticket for each load).

C. Sand/Oil Separator Requirements

- 1. These Best Management Practices (BMP's) establish requirements for any facility that has the potential to discharge petroleum oil, mineral oil, cutting oils, non-food grease and

solids. All facilities subject to these BMPs must comply with the requirements which include both the requirement for installation and proper operation and maintenance of a separator and other reporting requirements.

2. A sand/oil separator that was legally and properly installed at an industrial user's facility prior to the effective date of this Chapter shall be acceptable as an alternative if such device is effective in removing floatable and settleable material and is designed and installed in such a manner that it can be inspected and properly maintained. If the Director determines at any time that such sand/oil separator is incapable of adequately retaining the floatable and settleable material or if it was installed in such a manner that it cannot be inspected and properly maintained, the industrial user shall install a sand/oil separator that complies with all City codes within ninety (90) days after being notified of such requirement.
3. Implementation: These sand/oil separator requirements may be implemented by letter, order or permit.
4. General Control Requirements
  - a. A sand/oil separator shall be required for the proper handling of liquid wastes which may be harmful to, or cause obstruction in the wastewater collection system or cause or contribute to Pass Through or Interference.
  - b. It shall be the responsibility of the industrial user and owner of the property, business or industry or an authorized representative of the Industrial User to contact the City for the purpose of obtaining a plan review. The plan review shall determine the need, size, location, and other requirements of the interceptor required to control discharges into the POTW. Written approval from the City must be obtained prior to installation of the separator and meet all applicable building codes. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Chapter.
  - c. Upon change of ownership of any existing facility which would be required to have a separator under this Chapter, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning sand/oil separator is installed.
  - d. Toilets, urinals and similar fixtures shall not waste through a sand/oil separator. Such fixtures shall be plumbed directly into the building sewer and waste system.
  - e. The Industrial user shall ensure the sand/oil separator are easily accessible for inspection, cleaning, and removal of sand, oils and other accumulated wastes.
  - f. The industrial user shall maintain separators at their expense and keep in efficient operating condition at all times by the regular removal of waste materials.
5. Required Maintenance
  - a. Sand/oil separators shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the sand and oil from the industrial user's wastewater and prevent the discharge of said materials into the City's wastewater collection system. A sand/oil separator shall be serviced at a minimum once per twelve (12) months or more frequently as necessary. The



Industrial user should periodically check the separator for the accumulation of pollutants or solids to avoid exceeding the capacity of the separator.

- b. The City may require more frequent cleaning. A variance from this requirement may be obtained when the industrial user can demonstrate with analytical data that less frequent cleaning is sufficient.
- c. Maintenance of sand/oil separators shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures.
- d. In the event a separator is not properly maintained by the industrial user, owner, or lessee, the City may authorize such maintenance work be performed on behalf of the facility. The costs of such maintenance shall be billed directly to the customer and shall become part of the charges due and owed to the City.
- e. The industrial user must document each pump-out with a waste manifest or trip ticket and keep on site for at least three (3) years.
- f. The Industrial User must take reasonable steps to assure that all waste is properly disposed of in accordance with federal, state and local regulations (i.e. through a statement certifying proper disposal by the hauler included on the waste manifest or trip ticket for each load).
- g. Each Industrial User that is required to use and maintain a Sand/oil separator shall keep a record of every time the Sand/oil separator is pumped or cleaned or repaired. This record shall include the date, the name of the company that pumped or cleaned the Sand/oil separator and the amount of waste that was removed. Such records shall be made available to the Director upon request. The removed contents from any Sand/oil separator shall be handled by a person licensed to haul such waste and shall be disposed of in accordance with federal, state and local regulations.

#### 13.28.32 - Compliance and Enforcement.

##### A. Enforcement Response Plan.

The City may adopt enforcement policies and procedures as set forth in the City's Pretreatment Enforcement Response Plan for carrying out the provisions of this Chapter. The Enforcement Response Plan is hereby incorporated by this reference.

##### B. Publication of Industrial Users in Significant Noncompliance.

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. In addition, any Industrial User found to be in Significant Noncompliance with paragraphs 3, 4 or 6 below shall also be published in the newspaper. The following criteria shall be used to define Significant Noncompliance:

- 1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits.

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
3. Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public).
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
5. Failure to meet, within ninety (90) days after the scheduled date a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
6. Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance.
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines may adversely affect the operation or implementation of the local pretreatment program.

C. Administrative Enforcement Actions

1. Notice of Violation (NOV).

Whenever the Director finds that an industrial user has violated or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon such industrial user a written Notice of Violation. Within five (5) working days of the receipt of such notice, an explanation of the violation and a plan for satisfactory correction and prevention of further violations shall be submitted to the Director. Submission of such a plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

2. Administrative Order.

When the City finds that an industrial user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an Administrative Order to the Industrial User responsible for the discharge directing that the industrial user come into compliance within a specific time. If the industrial user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring

and management practices designed to minimize the amount of pollutants discharged to the POTW. An Administrative Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

3. Consent Order.

The City may enter into a Consent Order, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such documents shall include specific actions to be taken by the Industrial user to correct the noncompliance within a time period specified by the document. A Consent Order may include penalties, supplemental environmental projects, or other conditions and requirements as agreed to by the City and the industrial user. A Consent Order shall have the same force and effect as a Compliance Order and shall be judicially enforceable.

4. Show Cause Hearing.

- a. The Director may order an Industrial User which has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the industrial user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
- b. After the Director has reviewed the evidence, the Director may issue an order to the Industrial User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate to correct the violation may be issued.
- c. The Director may use the same Show Cause Hearing process to hear an appeal of an administrative fine from an industrial user.

5. Cease and Desist Order

- a. When the Director finds that an industrial user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the Industrial user's past violations are likely to recur, the Director may issue a Cease and Desist Order to the industrial user directing it to cease and desist all such violations and directing the industrial user to:
  - (1) Immediately comply with all requirements; and

- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
  - b. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.
6. Administrative Fines.
- a. When the Director finds that an industrial user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, authorization or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such industrial user in an amount not to exceed ten thousand dollars (\$10,000). Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
  - b. Industrial users desiring to appeal such fines must file a written request for a Show Cause Hearing consistent with the requirements of 13.28.32, C.4.
  - d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.
7. Suspension of Service.
- a. Endangerment to Health or Welfare of the Community: The City, through other than a formal notice to the affected industrial user, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW of the City or any wastewater system tributary thereto, by any means available to them, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.
  - b. Endangerment to Environment or Treatment Works: The City, after written notice to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW, wastewater system tributary thereto, by any means available to them, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.
  - c. Any person notified of a suspension of the wastewater treatment service and/or the Industrial Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. The City may reinstate the Industrial Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.
  - d. A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be provided to the City within five (5) days of the date of

occurrence. Suspension of Service shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

8. Revocation of Industrial Wastewater Discharge Permit or Authorization to Discharge.

- a. A violation of the conditions of an Industrial Wastewater Discharge Permit, authorization, or order under this Chapter or of applicable State or federal regulations shall be reason for revocation of such permit or authorization to discharge by the City as provided for in Section 13.28.16. Upon revocation of the permit, any wastewater discharge from the affected Industrial User shall be considered prohibited and discharge of such wastewater in violation of this Chapter.
- b. Any Industrial User whose Industrial Wastewater Discharge Permit or authorization to discharge is revoked or who is served with a notice of an intended order for the revocation of the Industrial User's authorization to discharge may file with the Director a request for a hearing with respect thereto; provided, however, that the filing of such a request shall not stay the existing or proposed suspension.
- c. If a hearing is requested with respect to an existing or proposed suspension or revocation, other than the suspension of service because of an action taken by the City under 13.28.32, C.7, the Director shall hold a hearing with respect to such suspension within fourteen (14) days after receipt of such request. The Director shall provide notice of the hearing to the Industrial User by hand delivery or certified mail at least five (5) days before the hearing. The Director shall conduct the hearing and the Industrial User shall be allowed to present evidence in support of its request. After considering the evidence that is presented at such hearing, the Director shall issue his order with respect to the suspension or revocation of the permit and/or authorization to discharge. The decision by the Director shall be provided to the Industrial User in writing.

D. Judicial Enforcement Remedies.

1. Injunctive Relief.

When the City finds that an industrial user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Industrial Wastewater Discharge Permit, order, or other requirement imposed by this Chapter on activities of an Industrial User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

2. Civil Penalties.

- a. An Industrial User who has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty not to exceed twenty five thousand dollars (\$25,000) per day per violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

- b. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- c. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an Industrial user.

3. Civil/Administrative Fine Pass Through.

In the event that an Industrial User discharges such pollutants which cause the City to violate any condition of its NPDES permit and the City is fined by the EPA or the State for such violation, then such industrial user shall be fully liable for the total amount of the fine assessed against the City by the EPA and/or the State.

4. Criminal Penalties

- a. An Industrial User that willfully, recklessly or negligently violates any provision of this Chapter, including making false statements, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000) for each violation and/or by imprisonment up to six months. Each day any violation of this Chapter occurs shall constitute a separate offense.
- b. The City may refer violations that may warrant criminal prosecution to the U.S. Attorney General's Office, State Attorney General, EPA Criminal Investigation Division or other appropriate agency. This referral shall not preclude the City from taking a parallel administrative or civil enforcement action.

13.28.34 - Remedies Nonexclusive.

The remedies provided for in this Chapter are not exclusive of any other remedies that the City may have under the provisions of Nevada law. The City may take any, all, or any combination of actions against a noncompliant industrial user as specified in, but not limited to Section 13.28.32. The City shall seek damages from any Industrial User who discharges or causes to be discharged to the POTW, any pollutant that causes damage or detrimental effects on the POTW or otherwise causes the City to expend resources to respond to such discharge. Enforcement of violations under this Chapter will generally be in accordance with the City's Pretreatment Enforcement Response Plan and Section 13.28.32. However, the City may take any other action against an Industrial User when the circumstances warrant and may take more than one enforcement action against any non-compliant industrial user.

13.28.36 - Affirmative Defenses to Discharge Violations.

A. Upset.

- 1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 2. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of subsection 3. below, are met.

3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and the industrial user can identify the cause(s) of the upset;
  - b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
  - c. The industrial user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
    - (1) A description of the indirect discharge and cause of noncompliance;
    - (2) The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
4. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
5. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
6. Users shall control (decrease) production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**B. Prohibited discharge standards.**

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the Specific Prohibitions in 13.28.04, B. paragraphs 2, 4, 5, 6, or 7 of this Chapter where the industrial user can demonstrate that:

1. It did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference; and:
  - a. A local limit designed to prevent Pass Through and/or Interference, as the case may be was developed for each pollutant in the industrial user's discharge that caused Pass Through or Interference, and the industrial user was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or
  - b. If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed for the pollutant(s) that caused the Pass Through or Interference, the industrial user's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was

regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

C. Bypass.

1. For the purposes of this subsection:
  - a. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.
2. An industrial user may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs 3 and 4 of this Section but are reportable under 13.28.28, paragraphs A, D, F, J and K.
3. Notice.
  - a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Director at least ten (10) days before the date of the bypass.
  - b. An industrial user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
4. Bypass is prohibited, and the Director may take an enforcement action against an industrial user for a bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. The industrial user submitted notices as required under subsection C.3 above.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in subsection C.4 above.



### 13.28.38 - Regulation of Industrial Users from Outside Jurisdictions.

#### A. Outside jurisdictions and Interlocal Pretreatment Contracts.

1. It is the intent of the Section for the City to assure the effective implementation and enforcement of Pretreatment Standards and Requirements for all industrial users where an interjurisdictional situation exists. This requirement includes entering into an Interlocal Pretreatment Contract (IPC) as required by the City's NPDES permit and 40 CFR Section 403.8(f) and as authorized under NRS 277.180.
2. Prior to entering into a new IPC under this Section the City shall obtain the following information from the contributing jurisdiction(s):
  - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
  - b. An inventory of all sources of Indirect Discharge located within the contributing jurisdiction that are discharging to the POTW; and
  - c. A requirement that the contributing jurisdiction submit an updated user inventory on at least an annual basis if such jurisdiction has non-domestic users;
  - d. A requirement that the contributing jurisdiction provide the City with access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality from non-domestic users; and
  - e. Other requirements as necessary for the City to guarantee the effective administration and enforcement of the Pretreatment Program.

#### B. Industrial Users in Outside Jurisdictions with no IPC in-Place

Until such time as the City and a jurisdiction enter into an IPC for pretreatment program delegation, the City shall have the option to exercise any of the following options:

1. Prohibit the discharge of non-domestic wastewater from an Industrial User located in another jurisdiction.
2. Request the jurisdiction to issue a Permit or Order to the Industrial User that is equivalent to the Industrial Wastewater Discharge Permit that includes all Pretreatment Standards and Requirements as required by the City.
3. Enter into a contract with the Industrial User that binds the Industrial User to compliance with all Pretreatment Standards and Requirements in an Industrial Wastewater Discharge Permit issued by the City to the Industrial User.

#### C. Industrial Users In City Discharging to Outside Jurisdiction.

1. Where an industrial user located within the City discharges to a collection system and that wastewater is ultimately treated by an outside jurisdiction, the City and the outside jurisdiction shall enter into an Interlocal Contract for Pretreatment.
2. Any Industrial user that discharges to the City's collection system and such wastewater is ultimately treated by the Clark County Water Reclamation District (CCWRF) shall comply with this Chapter and all applicable Pretreatment Regulations of the CCWRF. The

CCWRF Rules and Regulations, as amended and approved by EPA for the regulation of industrial users, is hereby incorporated by reference.

3. Any Industrial user that discharges to the City's collection system and such wastewater is treated by another jurisdiction not specifically listed in paragraph C.1 of this subsection, the Industrial User shall comply with this Chapter 13.28 and all applicable Pretreatment Standards and Requirements of the jurisdiction receiving the wastewater.

#### 13.28.40 - Program Cost Recovery.

The City may, by resolution or ordinance by the City Council, adopt charges and fees which recover the costs incurred by administration, implementation and enforcement of the pretreatment program established by this Chapter and adopt charges and fees, including, but not limited to the following:

- A. Fees for reimbursement of costs of implementing Chapter 28;
- B. Fees for monitoring, inspecting, and surveillance;
- C. Fees for reviewing required reports and notifications;
- D. Fees for reviewing permit applications and issuing permits;
- E. Fees for legal expenses;
- F. Other fees as the City may deem necessary to carry out the requirements contained herein;
- G. Surcharges for discharge to the POTW of pollutants that exceed Normal Domestic Strength Sewage as defined in Section 13.28.02, A.37.; and
- H. Fees for the acceptance, treatment and/or disposal of special wastes.

#### I. Fees

##### 1. Permitting Fees

Permit Classification	Monthly Permit Fee
Significant Industrial User/Class 1	\$ 125.00
Permitted non-Significant Industrial Users/Class II	\$ 35.00
Fats, Oils, and Grease Facilities	\$ 12.50
Special or temporary authorizations	\$ 150.00 per issuance

##### 2. Appeal Fees

Level of Appeal	Fee
Department of Utilities	\$300.00
City Council	\$1,000.00

J. Enforcement of Unpaid Fees, Assessments, User Charges and Penalties

1. Any fee, assessment, user charge or penalty that is imposed pursuant to this Chapter which remains unpaid for a period that exceeds thirty (30) days after assessment or upon a final determination by the Director or City Council, shall, upon the expiration of such thirty (30) day period, constitute a perpetual lien on and against the premises which are subject to such fee, assessment, user charge or penalty and shall be a debt that is owing to the City by the Industrial User and the owner of record of such premises, if such owner is someone other than the Industrial User.
2. Any fee, assessment or user charge that becomes delinquent shall have added to it a basic delinquency charge that is equal to ten (10) percent of the fee, charge or assessment that became delinquent, and thereafter an additional delinquency charge shall accrue on the total amount that is due, including the aforesaid ten (10) percent basic delinquency charge, at the rate of one-half of one percent per month until the amount of such fee, charge or assessment, together with all applicable delinquency charges, is paid in full.
3. The City may bring a civil action in any court of competent jurisdiction to recover a delinquent fee, assessment, user charge or penalty, or any combination thereof, together with interest thereon, and may enforce such lien by recording a notice thereof with the county recorder upon the expiration of such thirty (30) day period and foreclosing the same against the premises that are subject to such lien in the same manner as is provided by the laws of the State for the foreclosure of mechanics' liens.

13.28.42 - Water Supply Severance

Whenever an Industrial User has violated or continues to violate any provision of this Chapter, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the Industrial User may be severed. Service will only recommence, at the industrial user's expense, after it has satisfactorily demonstrated its ability to comply.

13.28.44 - Severability; effective date.

This ordinance will become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

13.28.45 – Publication

The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED ON THE 5<sup>th</sup> DAY OF OCTOBER, 2016.

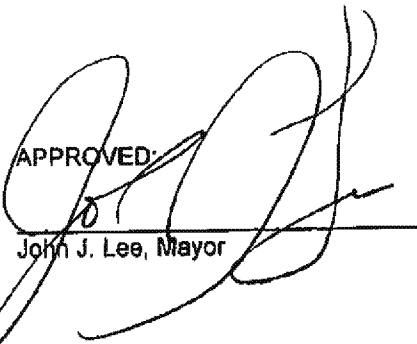
AYES: Mayor Lee, Mayor Pro Tempore Barron, Council Members Wood, Goynes-Brown and Cherchio

NAYS: None

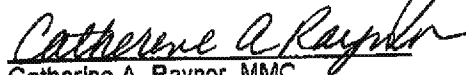
ABSENT: None

ABSTAIN: None

APPROVED:

  
John J. Lee, Mayor

ATTEST:

  
Catherine A. Raynor, MMC  
City Clerk